

Notice of Allowability

Application No.

10/028,322

Examiner

Patricia L. Hailey

Applicant(s)

MOORE, JOHN H.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on June 10, 2004.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mark L. Bell

Supervisory Patent Examiner
Technology Center 1700

Applicants' remarks and amendments, filed on June 10, 2004, have been carefully considered. Claim 1 has been amended for consistency with the remaining claims. Non-elected claims 16-37 have been canceled; no claims have been added.

Claims 1-15 remain pending in this application.

Withdrawn Rejections

The 102(b) rejection of claim 1 as being anticipated by Jacobs et al. (U. S. Patent No. 5,510,056), Applicants' submitted art, stated in the previous Office Action, has been withdrawn in view of Applicants' amendment and persuasive argument traversing this rejection.

Allowable Subject Matter

1. Claims 1-15 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed catalyst composition comprising a ceramic foam material interspersed between solid catalyst particles.

Jacobs et al., while teaching a catalyst composition retained in the form of a fixed arrangement, such as single monolith structure, e.g., a ceramic foam, the fixed

arrangement comprises a number of pores which, when referring to a monolith structure, are the openings or spaces between adjacent portions or lands of the ceramic structure.

The presently claimed invention requires two discreet phases, namely the ceramic foam material and solid catalyst particles, said ceramic foam material being interspersed between the catalyst particles.

The prior art also does not teach or suggest the claimed properties of the ceramic foam material, or of the catalyst material.

Kyo et al. (U. S. Patent No. 3,947,504) teach an acidic catalyst such as phosphoric acid deposited on or incorporated in a carrier such as diatomaceous earth (col. 2, lines 31-40). However, this reference does not teach or suggest the presence of a ceramic foam material.

Britton (U. S. Patent No. 3,686,334) teach a catalyst consisting of a sesqui-phosphoric acid active ingredient impregnated on an inert support material, such as diatomaceous earth, kieselguhr, or silicon carbide (col. 2, line 27 to col. 3, line 8). This reference does not teach or reasonably suggest the presence of a ceramic foam material, or that the silicon carbide is in the form of a ceramic foam material interspersed between the catalyst particles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

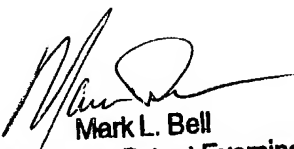
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.

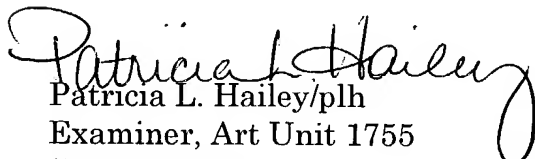
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia L. Hailey/plh
Examiner, Art Unit 1755
June 25, 2004